

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

CANON, INC.

Plaintiff,

vs.

ROKU INC.,

Defendant.

CIVIL ACTION NO. 6:19-cv-00245

JURY TRIAL DEMANDED

CANON, INC.'S UNOPPOSED MOTION
TO DISMISS WITHOUT PREJUDICE
CANON'S CLAIMS AGAINST ROKU

Plaintiff Canon, Inc. ("Canon" or "Plaintiff") for the limited purpose of this case, in consideration of mutual agreements with Defendant Roku Inc. ("Roku" or "Defendant") (collectively, "Parties"), agree and move the Court as follows:

1. Parties agree that Roku, including its subsidiaries and affiliates, will not file a declaratory judgment action in any court in connection with U.S. Patent Nos. 7,746,413 ("the '413 Patent"), 8,078,767 ("the '767 Patent"), 8,346,986 ("the '986 Patent"), 8,713,206 ("the '206 Patent"), and 7,810,130 ("the '130 Patent") (collectively, "Asserted Patents") during the pendency (through settlement or final appeal, whichever occurs later) of the following dispute between Canon and TCL entities: *Canon, Inc. v. TCL Electronics Holdings Ltd., et al.*, Civ. No. 2:18-cv-00546 (E.D. Tex.).

2. Parties agree that Canon, in consideration of Roku's agreement above, will move this Court to dismiss without prejudice Canon's claims against Roku in this

action.

3. Parties agree that, if Canon files claims against Roku in any court in connection with the Asserted Patents, the restrictions set forth in paragraph 1 above automatically terminate concurrently with any such filing.

THEREFORE, under Parties' mutual agreements, Canon moves that this Court dismiss without prejudice Canon's claims against Roku in this action.

DATED: July 31, 2019

By: /s/John P. Palmer

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on July 31, 2019, I served the foregoing instrument on all counsel of record via the Court's ECF system and/or via email.

/s/ John P. Palmer

John P. Palmer

DRAFT PROPOSED ORDER

UNITED STATES DISTRICT COURT
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WACO DIVISION

CANON, INC.

Plaintiff,

vs.

ROKU INC.,

Defendant.

CIVIL ACTION NO. 6:19-cv-00245

JURY TRIAL DEMANDED

[PROPOSED] ORDER DISMISSING WITHOUT PREJUDICE
CANON'S CLAIMS AGAINST ROKU

Before the Court is Plaintiff Canon, Inc. ("Canon" or "Plaintiff") Unopposed Motion to Dismiss Without Prejudice Canon's Claims Against Roku ("Unopposed Motion") made pursuant to mutual agreements with Defendant Roku Inc. ("Roku" or "Defendant") (collectively, "Parties"). After considering the Unopposed Motion, the Court finds that the Unopposed Motion should be **GRANTED**. It is therefore

ORDERED that Canon's claims against Roku in this the above-captioned action is **HEREBY DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own fees and costs.

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